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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/787,113	02/27/2004	Shinetsu Fujieda	249507US0TTCRD	5083
22850	7590	01/22/2008	EXAMINER	
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.			SELLERS, ROBERT E	
1940 DUKE STREET			ART UNIT	PAPER NUMBER
ALEXANDRIA, VA 22314			1796	
			NOTIFICATION DATE	DELIVERY MODE
			01/22/2008	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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## Office Action Summary

**Application No.**

10/787,113

**Applicant(s)**

FUJIEDA ET AL.

**Examiner**

Robert Sellers

**Art Unit**

1796

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 9, 11 and 12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10 and 13-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

This is responsive to the Request for Continued Examination and amendment filed January 9, 2008.

Claims 8, 11 and 12 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a non-elected species of the disposition of the epoxy resin, there being no allowable generic or linking claim. The election was made **without** traverse in the reply filed on September 28, 2006.

1. Although original claims 13 and 14 provide support for the secondary battery, such a type of battery should be inserted into the specification for a proper reference of the claim language. The secondary battery has been identified as denoting a battery having the capability of being recharged, thereby overcoming the 35 U.S.C. 112, second paragraph, rejection.

The text of sections 112 and 103(a) of Title 35, U.S. Code not included in this action can be found in the non-Final rejection mailed November 14, 2006.

Claims 1-8, 10 and 13-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors had possession of the claimed invention at the time the application was filed.

Claims 1-8, 10 and 13-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

2. There is no support on page 20, the first paragraph of the specification for the new limitation alluding to the prevention of deleterious contact of leaked nonaqueous solvent from the battery with the electronic circuit. The specification describes the protection of the electronic circuit from leaked nonaqueous solvent of the battery. The terms referring to the prevention of deleterious contact and protection are different in scope since it cannot be determined what qualifies as "deleterious." More favorable consideration would be given to replacing the claim limitation with "whereby the electronic circuit is protected from any leakage of nonaqueous solvent from the battery."

Claims 1-8, 10 and 13-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clayton Patent No. 6,049,975; Goldner et al. Patent No. 6,982,132 and Japanese Patent No. 2001-2757 (Japanese '757) in view of Murai et al. Patent No. 6,437,090 and Japanese Patent Nos. 58-187425 (Japanese '425) and 62-74918 (Japanese '919).


The rejection is maintained for the reasons of record set forth in the non-Final rejection and Final rejection mailed June 13, 2007. The arguments filed January 9, 2008 have been considered but are unpersuasive.

3. The epoxy resin protective overcoat 70 in Figure 17 of Clayton, the epoxy resin encapsulant for the lithium electrochemical cell of Goldner et al. (col. 13, lines 47-56) and the electronic circuitry protected with an epoxy resin composition of Japanese '757 (CAPLUS abstract and translation, page 6, paragraph 41) protects the electrical connection of Clayton, external electrical contact of Goldner et al. and electronic circuitry of Japanese '757 from any leakage of solvent from the lithium battery due to its position relative to the electronic circuitry and the inherent characteristics of the epoxy resin.

4. It would have been obvious to employ the 4,4'-dihydroxydiphenylsulfone, butyral resin, inorganic filler and organometallic compound such as the phenolic compound and  $\beta$ -keto ester aluminum complex of Japanese '425 or bisphenol S and zirconium tetraacetylacetonate of Japanese '919 from the epoxy resin composition of Murai et al. as the encapsulant of Clayton, Goldner et al. and Japanese '757 in order to control the curing time (Japanese '919), storage stability (Japanese '425), bending strength and volume resistance (Murai et al., col. 62, Table 4, Example I-24 and cols. 69-70; Table 9, Examples II-1, II-2 and II-3).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Sellers whose telephone number is (571) 272-1093. The examiner can normally be reached on Monday to Friday from 9:30 to 6:00. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

rs 1/16/2008



ROBERT E.L. SELLERS  
PRIMARY EXAMINER